

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

YAKINI DEANDRE BYRD,

Plaintiff,

v.

E. RAZO, et al.,

Defendants.

No. 1:20-cv-00814-DAD-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION DUE TO PLAINTIFF'S FAILURE
TO STATE A COGNIZABLE CLAIM

(Doc. No. 12)

Plaintiff Yakini Deandre Byrd is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 11, 2020, the assigned magistrate judge screened the first amended complaint and issued findings and recommendations recommending that the federal claims in this action be dismissed due to plaintiff's failure to state a cognizable claim upon which relief may be granted, and that the court decline to exercise supplemental jurisdiction over plaintiff's purported state law claims. (Doc. No. 12.) Those pending findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 5.) On September 21, 2020, plaintiff filed objections to the pending findings and recommendations. (Doc. No. 13.)

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1 In his objections, plaintiff does not address the analysis set forth in the pending findings
2 and recommendations or proffer allegations to show that there is a causal link between defendants
3 Razo, Juarez, and Ceballos and the allegations in his complaint. Plaintiff also does not address
4 the magistrate judge's finding that plaintiff's complaint failed "to state what each these
5 defendants did or did not do that resulted in a deprivation of his rights." (Doc. No. 12 at 3.)
6 Rather, plaintiff reiterates his position that he has sufficiently stated a short and plain statement of
7 his claim, but that the court "overlook[s] [his] claim because of the shortness of it." (Doc. No. 13
8 at 2.) Thus, plaintiff's objections provide no basis upon which to reject the pending findings and
9 recommendations. The undersigned agrees with the magistrate judge's findings that plaintiff's
10 conclusory allegations are insufficient to state a cognizable claim for relief. In addition, the
11 undersigned agrees with the recommendation that the court should decline to exercise
12 supplemental jurisdiction over plaintiff's purported state law tort claims.

13 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
14 *de novo* review of this case. Having carefully reviewed the entire file, including plaintiff's
15 objections, the court concludes the findings and recommendations are supported by the record
16 and by proper analysis.

17 Accordingly,

- 18 1. The findings and recommendations issued on September 11, 2020 (Doc. No. 12)
19 are adopted in full;
- 20 2. Plaintiff's federal claims are dismissed due to plaintiff's failure to state a
21 cognizable claim for relief;
- 22 3. The court declines to exercise supplemental jurisdiction over plaintiff's purported
23 state law claims pursuant to 28 U.S.C. § 1367(c)(3);

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1 4. Plaintiff's purported state law claims are dismissed; and

2 5. The Clerk of the Court is directed to close this case.

3 IT IS SO ORDERED.

4 Dated: **October 5, 2020**


UNITED STATES DISTRICT JUDGE